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June 26, 2006

Mr. Anibal Vivanco
Intellectual Property Coordinator
SMARTMATIC LABS
Edf. Torre Banvenez, Piso 15
Ave. Francisco Solano con Pascual Navarro
Sabana Grande, Caracas 1050
VENEZUELA

By E-mail

Re: U.S. Patent Application No. 10/811,969
Inventor: John HOMEWOOD et al.
Our Ref.: 115601
Your Ref.: Voting Machine

Dear Mr. Vivanco:

We are pleased to enclose a copy of the formal Notice of Allowance and Fee(s) Due for the above-identified application. The Issue Fee and Publication Fee must be paid no later than

September 16, 2006.

We look forward to receiving your authorization to pay the Issue Fee and Publication Fee.

Also enclosed is our summary sheet reflecting our final review of this application prior to issuance of the patent. We look forward to receiving your instructions or comments regarding the paragraphs checked on the summary sheet.

A. Early Filing of Papers to Satisfy Formalities

The U.S. Patent and Trademark Office encourages that all formalities (e.g., filing of formal drawings, certified copies of priority documents and substitute Declarations) be satisfied within one month after issuance of the Notice of Allowance. It also strongly discourages filing anything (e.g., Amendments After Allowance, Petitions, Information Disclosure Statements) after payment of the Issue Fee. If there are any formalities noted on the final review sheet that you need to send us, or if there are other submissions that still need to be filed, please give us your instructions regarding these issues as early as possible before the Issue Fee due date.

B. Claim Scope

Please confirm that the claims literally cover all presently known potential substitutes for every claim element, even if such substitutes are not described in the specification. In view of U.S. Supreme Court and Federal Circuit case law, it is particularly important to ensure that all

known substitutes for claim elements that have been amended during prosecution are literally covered. If there are known substitutes that are not literally covered by the claims it may be possible to literally cover them by filing new claims with a Request for Continued Examination (RCE) or in a continuation or continuation-in-part application.

C. Continuing Applications

A continuing application (continuation, division, or continuation-in-part) can be filed to cover related subject matter not encompassed by the presently allowed claims. This may include subject matter disclosed in this application or (in the case of a continuation-in-part) undisclosed improvements. Such applications must be filed prior to the issuance of the present patent and most preferably prior to payment of the Issue Fee.

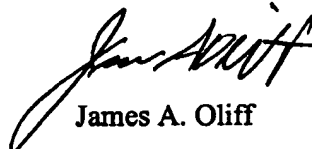
We do not expect to receive an Issue Notification early enough to send it to you before the issuance of the Letters Patent. Therefore, please let us have your instructions regarding any continuing applications well before the Issue Fee due date.

D. Rule 56: Duty of Disclosure

We assume that you have previously notified us, consistent with Patent Office Rule 56, of all information of which you are aware which is "material to patentability." If not, you are required to disclose and submit copies of any material information which has not yet been presented to the PTO. This information must be disclosed within three months of its citation by a foreign patent office in a counterpart foreign application, or within three months after its discovery from other sources, and before payment of the Issue Fee. These deadlines are not extendible. If these deadlines cannot be met, it may be necessary to have the information considered by abandoning and refiling the application in favor of a continuation application in which the information is earlier cited.

If any known material information has not yet been disclosed to the Patent Office, please (1) furnish us with a list and copies (or complete identification including date of publication) of such information, including any available translations of foreign language documents, and (2) advise us as to when each item of information was first discovered.

Very truly yours,



James A. Oliff

JAO:DRK/smo

Enclosures: (by e-mail & airmail)

Final Review of Application Prior to Issue

Notice of Allowance and Fees Due



OLIFF & BERRIDGE, PLC

ATTORNEYS AT LAW

FINAL REVIEW OF APPLICATION PRIOR TO ISSUE

Attorney Docket No.: 115601

U.S. Serial No.: 10/811,969

PRIORITY

☒ CLAIM FOR PRIORITY TO PROVISIONAL APPLICATION FILED.

☒ RECEIPT ACKNOWLEDGED BY PATENT OFFICE.

ASSIGNMENT

☒ ASSIGNMENT RECORDED

Assignee Sequoia Voting Systems Inc.

City and Country (to appear on patent) Oakland, CA

Reel 015030 Frame 0585

SMALL ENTITY STATUS

☒ SMALL ENTITY STATUS has not been claimed.

CONTINUING APPLICATION(S)

☒ RESTRICTION: We note that restriction was required in this application. Divisional applications may be filed directed to the non-elected material. The divisional applications need not be executed by the inventors. Please furnish instructions as to the filing of divisional applications based on non-elected claims 295-340. Further, a continuing application (Continuation, Divisional or Continuation-in-Part) may be needed to cover, or more fully cover, the subject matter of the canceled claims not subject to restriction.

DRAWINGS

☒ NO CORRECTIONS NEEDED.

REASONS FOR ALLOWANCE

☒ THE ENCLOSED PAPERS INCLUDE AN EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE. Failure to respond to this Statement by the time the Issue Fee is paid can be construed as acquiescence with it. Please carefully review the Examiner's reasons for allowance and let us know if you prefer that we file a Response.

INFORMATION DISCLOSURE STATEMENTS

☒ ALL CITED REFERENCES HAVE BEEN CONSIDERED OF RECORD.

PATENT COPIES

☒ No soft copies will be forwarded with the Letters Patent.

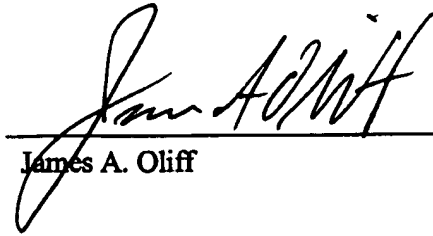
PATENT TERM EXTENSION

☒ The patent term extension of 0 days on the Notice of Allowance appears to be correct. Please let us know if you have any questions about it.

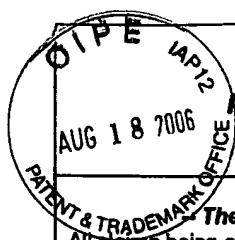
MAINTENANCE FEES

☒ Oliff & Berridge is responsible for Maintenance Fees.

ADDITIONAL COMMENTS:



James A. Oliff



Notice of Allowability

Application No.

10/811,969

Examiner

Allyson N. Trail

Applicant(s)

HOMEWOOD ET AL

Art Unit

2876

The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 4/13/2006.

2. ☒ The allowed claim(s) is/are 89,91-221 and 232-294.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (i).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 05-2005

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

DOCKETED
By DPW on 6-19 2006
and
By AJA on 6/19 2006
Oliff & Berridge

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed April 13, 2006.

Remarks

2. Claims 89, 91-221, and 232-294 are currently pending. Claims 89, 107, 112, 113, 122, and 127 have been amended and claims 90 and 222-231 have been cancelled. In the previous Office action, claims 140-221 and 232-294 were indicated to be allowable over prior art. Claims 90, 112, 113, 122, and 127 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Currently the previously rejected independent claims have been amended to include the indicated allowable subject matter disclosed in the previous Office action. Therefore claims 89, 91-221, and 232-294 are allowable.

Allowable Subject Matter

3. Claims 89, 91-221, and 232-294 are allowable over prior art.

The following is an examiner's for allowance: Prior art teaches a voting machine, which includes a display, a printer with a tamper resistant container, and a printed audit trail that is viewable by the voter, the above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly suggest the specific features of claims 89, 91-221, and 232-294 of the present claimed invention. The voting machine in prior art fails to include the tamper resistant container including a transparent window used to allow the voter to view the printed audit trail and restrict

physical access to the printed audit trail. Prior art further fails to teach the voting machine comprising a controller that causes the display screen to be segmentally made transparent such that at least one portion of the printed audit trail that should be viewed by the voter can be viewed through the display screen. Additionally not taught is a controller that causes the display screen being opaque and causes the display screen to be transparent to allow the voter to view the printed audit trail on the print medium through the display screen and the causes the display screen to be opaque so that a next voter cannot view the print medium through the display screen. The voting machine includes an auto-load mechanism that loads/unloads canisters and wherein the printer includes at least one bi-directional drive motor that is controlled by the controller to randomize a printed position of the audit trail is also not taught in prior art. The above limitations are not disclosed in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
June 3, 2006



THIEN M. LE
PRIMARY EXAMINER

PTO-1449
AUG 18 2006
PATENT & TRADEMARK OFFICE

CANCELLED

Sheet 1 of 2

Form PTO-1449 (REV. 8-83)	US Dept. of Commerce PATENT & TRADEMARK OFFICE	ATTY DOCKET NO. 115601	APPLICATION NO. 10/811,969
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANTS John HOMEWOOD et al.	
		FILING DATE March 30, 2004	GROUP 2876

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
aj	1	6,769,613 B2	08/03/2004	McDermott et al.		
	2	2002/0077886 A1	06/20/2002	Chung		
	3	2002/0072961 A1	06/13/2002	McDermott et al.		
	4	2002/0084325 A1	07/04/2002	Reardon		
	5	2003/0062411 A1	04/03/2003	Chung et al.		
	6	5,585,612	12/17/1996	Harp, Jr.		
	7	2003/0006282 A1	01/09/2003	Vadura et al.		
	8	2002/0066780 A1	06/06/2002	Balolia		
	9	6,641,033 B2	11/04/2003	McClure et al.		
	10	6,581,824 B1	06/24/2003	McClure et al.		
	11	4,641,240	02/03/1987	Boram		
	12	6,250,548 B1	06/26/2001	McClure et al.		
	13	6,081,793	06/27/2000	Challener et al.		
	14	2003/0195798 A1	10/16/2003	Goci		
	15	4,649,264	03/10/1987	Carson		

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

aj	16	O'Connell, Ann, State of Nevada Senate, Letter to Ms. Kathryn Ferguson at Clark County Board of County Commissioners, June 6, 1995
aj	17	Mercuri, Rebecca, "Electronic Vote Tabulation Checks & Balances," Ph.D. Dissertation Defense, Thesis Abstract, University of Pennsylvania School of Engineering and Applied Science, Department of Computer and Information Systems, Friday, October 27, 2000, 2:30 pm http://www.notablessoftware.com/Papers/thcsdefabs.html
aj	18	Mercuri, Rebecca, "ELECTRONIC VOTE TABULATION CHECKS & BALANCES," A Dissertation in Computer and Information Science, Presented to the Faculties of the University of Pennsylvania in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy, 2001
aj	19	Dugger, Ronnie, "ANNALS OF DEMOCRACY COUNTING VOTES," The New Yorker, November 7, 1988 http://www.csl.sri.com/users/Neumann/dugger.html

Date: May 25, 2005



20	Saltman, Roy G., "Accuracy, Integrity, and Security in Computerized VoteTallying," Computer Science and Technology, NBS Special Publication 500-158, Institute for Computer Sciences and Technology, National Bureau of Standards, August, 1988 http://www.itl.nist.gov/lab/specpubs/500-158.html
21	Mercuri, Rebecca, "Voting-Machine Risks," Inside Risks 29, CACM 35, November 11, 1992 http://notablesoftware.com/Papers/vmrisk.html
22	Shamos Ph.D., J.D., Michael Ian, "CFP'93 - Electronic Voting - Evaluating the Threat," CPSR, 1993 http://www.cpsr.org/conferences/cfp93/shamos.html March, 1993
23	Neumann, Peter G., "Security Criteria for Electronic Voting," Computer Science Laboratory, SRI International, Presented at the 16 th National Computer Security Conference, September 20-23, 1993 http://www.csl.sri.com/users/Neumann/ncs93.html
24	Mercuri, Rebecca, "Corrupted Polling," Inside Risks 93 CACM 36, November 11, 1993, page 122 http://www.notablesoftware.com/Papers/compoll.html
25	Saltman, Roy G., "CFP'93 - Assuring Accuracy, Integrity and Security in National Elections: The Role of the U.S. Congress," CPSR, National Institute of Standards and Technology, February 12, 1993 http://www.cpsr.org/conferences/cfp93/saltman.html
26	Mercuri, Rebecca, "The FEC Proposed Voting Systems Standard Update [A Detailed Comment]," Submitted to the Federal Election Commission on September 10, 2001 in accordance with Federal Register FEC Notice 20019, Vol. 66, No. 132 http://www.notablesoftware.com/Papers/FECRM.html
27	"THE HISTORY OF ELECTRONIC VOTING" http://www.eucybervote.org/Reports/KUL-WP2-D4V1-v1.0-01.html
28	Mercuri, Rebecca T., "PHYSICAL VERIFIABILITY OF COMPUTER SYSTEMS," Notable Software, 1997
29	"Voters Prefer To See Their Votes Recorded On Paper According to Surveys Reported by AccuPoll," BUSINESSWIRE, February 3, 2003
30	Mercuri, Rebecca, "A Better Ballot Box?," IEEE Spectrum, October, 2002, pages 46-50
31	"Resolution on electronic voting" Last modified 1/20/2000 http://verify.Stanford.edu/dil/EVOTE/statement.html
32	Dugger, Ronnie, "ANNALS OF DEMOCRACY COUNTING VOTES," The New Yorker, November 7, 1988 http://www.newsgarden.org/columns/dugger.shtml
33	"VOTING - What Is, What Could Be," CALTECH MIT, Voting Technology Project, July, 2001
34	Newspaper Articles - Las Vegas Review Journal - 7/1994
35	Rebecca Mercuri - Explanation of Voter-Verified Ballot Systems - 7/02
36	May 95 Minutes of Senate Committee
37	May 95 - Minutes of Assembly Committee on Elections and Proc
38	Feb 95 - Minutes of Senate Committee on Govt. Affairs
39	'86 - Hyde - Progress Report on Computerized Voting
40	'86 - Benson - Computerized Voting
EXAMINER <u>Allyson Inui</u> DATE CONSIDERED <u>6/1/2006</u>	
Examiner: Initial if citation considered, whether or not citation is in conformance with M.F.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Date: May 25, 2005